

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of) Examiner: Christopher Stone
George Prendergast et al.) Art Unit: 1614
Serial No.: 10/551,151) Ref No.: 3882-P03161-US2
Filed: May 18, 2006)
For: "Novel Methods for the)
Treatment of Cancer")

RESPONSE TO REQUIREMENT FOR RESTRICTION

At the outset it is noted that a shortened statutory response period of one (1) month was set forth in the Official Action dated November 8, 2007 in the above-identified patent application. Therefore, the initial due date for response is December 10, 2007 as December 8, 2007 is a Saturday.

A restriction requirement under 35 U.S.C. §121 was set forth in the November 8, 2007 Official Action. It is the Examiner's position that claims 1-52 in the present application are drawn to eight (8) patentably distinct inventions which are as follows:

Group I: Claims 1-11, drawn to methods of treating cancer comprising administering an STI and an IDO inhibitor;

Group II: Claims 12-17, drawn to pharmaceutical compositions comprising an STI and an IDO inhibitor;

Group III: Claims 18-21, drawn to methods of treating cancer comprising administration an STI or a chemotherapeutic agent, and an immunomodulator other than an IDO inhibitor;

Group IV: Claims 22-30, drawn to methods of treating a chronic viral infection comprising administration and IDO inhibitor and a chemotherapeutic agent;

Group V: Claims 31-34 and 48-52, drawn to pharmaceutical compositions comprising an IDO inhibitor and a chemotherapeutic agent;

Group VI: Claims 35 and 36, drawn to methods of treating cancer comprising administering an IDO

inhibitor;

Group VII: Claim 37, drawn to pharmaceutical compositions comprising an IDO inhibitor; and

Group VIII: Claims 38-47, drawn to methods of treating cancer comprising administering an IDO inhibitor and a chemotherapeutic agent.

The Examiner has indicated that, in accordance with §821.04 of the MPEP, if applicant elects claims directed to a product, and a product claim is subsequently found allowable, withdrawn process claims which depend from or otherwise include all the limitations of the allowable product claim will be rejoined.

The Examiner has also required the following species elections. Upon the election of Group I, the Examiner has required the election of a single combination of STI(s) and IDO inhibitor(s) and a species of cancer from claim 11. Upon the election of Group II, the Examiner has required the election of a single combination of STI(s) and IDO inhibitor(s). Upon the election of Group III, the Examiner has required the election of a single combination of immunomodulator and STI or chemotherapeutic agent. Upon the election of Group IV, the Examiner has required the election of a single combination of chemotherapeutic agent and IDO inhibitor. Upon the election of Group V, the Examiner has required the election of a single combination of chemotherapeutic agent and IDO inhibitor. Upon the election of Group VI, the Examiner has required the election of an IDO inhibitor and a species of cancer. Upon the election of Group VII, the Examiner has required the election of a species of IDO inhibitor. Upon the election of Group VIII, the Examiner has required the election of a species of chemotherapeutic agent from claim 39 and a species of IDO inhibitor from claim 41. The Examiner notes that all claims are currently generic.

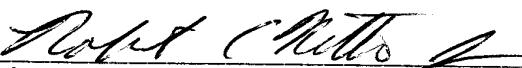
In response to the above election requirement under 35 U.S.C. §121, Applicants hereby elect, without traverse, Group VIII, namely, claims 38-47, drawn to methods of treating

cancer comprising administering an IDO inhibitor and a chemotherapeutic agent. Applicants also elect the species of methyl-TH-DL-Trp and cisplatin. Claims 38-41 and 43-47 read on the elected species of methyl-TH-DL-Trp and claims 38, 39, and 41-47 read on the elected species of cisplatin.

Applicants hereby reserve the right to file one or more continuing applications, as provided in 35 U.S.C. §120, on the subject matter of any claims finally held withdrawn from consideration in this application.

Early and favorable action on the merits of this application is respectfully solicited.

Respectfully submitted,
DANN DORFMAN HERRELL and SKILLMAN, P.C.
Attorneys for Applicant

By 

Robert C. Netter, Jr., Ph.D., J.D.
PTO Registration No. 56,422

Telephone: (215) 563-4100